

MINUTES

SALINA CITY PLANNING COMMISSION
CITY COMMISSION ROOM
Tuesday, February 20, 2007

MEMBERS

PRESENT: Bonilla-Baker, Funk, Mikesell, Schneider, Simpson, Soderberg and Yarnevich

MEMBERS

ABSENT: Ritter and Weisel (Mr. Weisel has resigned from the Commission)

STAFF

PRESENT: Andrew, Asche, Burger and Herrs

Item #1. Approval of the minutes of the regular meeting held on January 16, 2007.

The minutes of the January 16, 2007 meeting were approved as presented.

Item #2. Application #CU07-1, filed by Steve Pope, on behalf of Innovative Solutions, requesting approval of a Conditional Use Permit to allow a group rehabilitation facility to be established in an R-3 (Multi-Family Residential) zoning district. The property that is the subject of this application is legally described as the South 8.5 feet of Lot 6 and North 26.5 feet of Lot 8 on Ninth Street, Seitz Addition to the City of Salina, Saline County, Kansas and addressed as 310 South 9th Street.

Mr. Andrew presented the staff report, including photographs of the site and visual presentation of the site plan details, which are contained in the case file.

Mr. Simpson asked any questions at this point for Dean regarding the staff report?

Mrs. Bonilla-Baker asked do we have any other places like this in Salina that we can compare it to other than places like OCCK?

Mr. Andrew stated well we've cited a couple in here in our staff report. I think the differences are we have, Central Kansas Foundation has a couple homes, one of which is over at 315 W. Walnut which is the south side of Walnut between 9th and 8th and the Planning Commission saw a request for Breakthrough House which is over on South 5th Street, I guess the distinction is that you can have a drug or alcohol problem and be in need of treatment without getting involved with the Judicial System or the Court System. So that type of facility is really a treatment facility, what we understand this to be is an alternative to incarceration for people who have gotten involved with the Judicial System.

Mrs. Bonilla-Baker asked but it's a little bit different?

Mr. Andrew stated it's a little bit different from that standpoint. But there is a facility at 227 S. 5th and there is a group home that CKF operates and that's at 315 W. Walnut which is north and just a little bit east of here. Do we have views of that John? If you go back to the aerial photo I think we could identify that for you. But it would up about a block north of this and kind of across from the Ashby House. (Mr. Andrew went to the screen). It's right at

this location. It's operated by the Central Kansas Foundation and it's operating rules and how people live there is a more voluntary situation.

Mrs. Yarnevich stated I have a question. The statute K.S.A. 12-736 that requires group homes to be allowed in any zoning district where single-family dwellings are permitted, that includes group rehabilitation facilities right?

Mr. Andrew stated it does not.

Mrs. Yarnevich stated oh it does not.

Mr. Andrew stated the difference is, which we did not give to you, the statute defines what constitutes a disability. And the purpose of that is to encourage the integration of say a group home for OCK or other disabled residents to be integrated into other residential neighborhoods. But it very strictly defines what constitutes a disability. Since in this facility, as we understand it, the residents and the resident services operating here would not fit into the disability category this facility does not fit within that definition.

Mrs. Soderberg asked would you explain the facility at 610 Gypsum then?

Mr. Andrew stated the facility at 610 Gypsum was a facility strictly where people resided voluntarily. These were people who had been released from prison and they had fulfilled all of their responsibilities either through sentencing or they were no longer on probation or parole or any of those items. So they were people who had been released from the Judicial System but they were voluntarily residing there. And it was provided there as a service. So they were not interacting in any way with the Judicial System, they weren't placed there, they weren't under any kind of Community Corrections supervision, they were just recently released from being involved with the Judicial System.

Mrs. Soderberg stated but I thought this facility was voluntary as well.

Mr. Andrew stated I don't believe that to be the case. But we can find that out.

Mrs. Yarnevich stated when you spoke earlier I got the impression that it was Court ordered, that they either did this or they went to jail.

Mr. Andrew stated that's the way we were interpreting it. The Senate bill indicated that this was an alternative to incarceration.

Mrs. Yarnevich asked how many chances do they get before, is it two?

Mr. Andrew stated I can not speak to that part. That's where the operators of the program are in the best position to answer those questions.

Mr. Simpson asked any other questions? Is the representative of the applicant here and wish to speak to this proposal? It does not appear the applicant is represented. Since there was a notice of a public meeting concerning this application we will hear from anyone else who wishes to speak to the application. If you wish to do so please come to the microphone and give us your name and address.

Elaine Edwards, Executive Director of Salina Child Care Association, located in the First Presbyterian Church at 308 S. 8th Street, stated I am here today on behalf of our Board of Directors, concerned parents and concerned staff about the potential implications of this facility being across the street from our child care center. We've been located in the First Presbyterian Church since 1970 and have a long standing association with

them and while our Board and our staff we really appreciate the neighborhood we're in and we want to be a good neighbor, this facility of course brings up a lot of concerns and we have some parents right now very upset and concerned because of a lot of unanswered questions. We're here today on behalf of the safety of the children and the staff at our facility. We're caring for over 60 children a day from preschool through school age where they're there year round Monday through Friday. While we realize that there is a need for this public type of facility somewhere in our community, is the ideal location for that right across the street from a child care center? Our questions are just like what Dean was bringing up about, supervision. As I was thinking about this, it's just going to take one person one time to have an incident and then we're dealing with the aftermath of it. And it's thinking about our youngest citizens, our children and our grandchildren in the community. So our concern would be to have some questions answered and hopefully that would be something that you could help us with as you look into this.

Mr. Simpson stated thank you. Any questions of Ms. Edwards? Alright, thank you very much.

Ms. Edwards stated thank you.

Mr. Simpson asked anyone else wish to address the application?

Donna Richardson, Business Administrator for First Presbyterian Church, 308 S. 8th Street, stated I am here just as a representative to request the written protest of 14 days, we request that it be extended to 20 days to allow the Board to receive any information that I'm able to bring back this afternoon.

Mr. Simpson stated ok.

Ms. Richardson stated thank you.

Mr. Simpson asked anyone else?

Phyll Klima, 917 S. Santa Fe, stated I am not here representing Salina Downtown and I want the media to know that. My Board has not seen this proposal. I am just here to ask you consider how many transitional housing facilities are already within a 20 block radius of this proposed facility. If we're talking about true community integration, we seem to be collecting these kinds of facilities within about a 20 block radius of our community. And I question whether that's true community integration. Having worked for an MRDD facility in the housing for that specific population in other communities I know the challenges, I know the routine of how to approach the neighborhood and canvas the community and select appropriate neighborhoods and really disperse people throughout the community so they have an opportunity for true integration back into the community. And that's my personal request to you is to consider that as well when you look at this request.

Mr. Simpson stated alright, thank you Phyll. Anyone else? I would think absent the representative for the application being here today that probably our only choice is to table this matter and see if we can contact them and get them here to get some answers.

Mr. Andrew stated we certainly thought, Sue Cline and I sat down and met with them and outlined what the schedule would be and the need to have an inspection of the premises before the Planning Commission hearing, which we did, and which you can see the results of that inspection in the packet. So I'm not sure why they're not represented, but we would certainly not feel comfortable taking any action on this without additional information that

could come only from the applicant. The other point is as to the protest period and things of that nature, the way that the protest process works was that if the Planning Commission took a favorable action on this request the residents reserve the right, if there are 20% of the owners within 200 feet to muster a petition, then the application would go on to the City Commission to look at that again. I don't think that we feel as a staff that we've given the neighboring property owners sufficient information to go back and really understand how this proposed housing facility will work. So I think the most favorable action that we could give would be to postpone action until the next scheduled Planning Commission meeting which I believe is March 6th or to deny the request for lack of sufficient information. But our bylaws say that if the applicant is not represented then no action can be taken. We'd give them at least one more try.

Mrs. Bonilla-Baker asked do you know if he purchased this beforehand just for this purpose or was it his?

Mr. Andrew stated it is not a purchase. Welsh Investments that owns the Bartlett School property owns this house as well. So the owner has given their permission for this application. We think what will occur is a lease between Innovative Solutions and the owner.

Mrs. Bonilla-Baker asked so he can look for other places then to?

Mr. Andrew stated that is correct. But this was selected because it was close by.

MOTION: Mrs. Yarnevich stated I'd like to move we table this application until the next meeting which is March 6th.

SECOND: Mr. Mikesell.

Mr. Simpson stated moved and seconded that we table the application. All those in favor say "aye", opposed.

VOTE: Motion carried 7-0.

Mr. Simpson stated it will be on the March 6th agenda. And anyone who wishes to address the application at that time if it's on the agenda you'll be notified.

Item #3. Update on Residential Development Activity and Trends.

Mr. Andrew presented the staff report.

Mr. Simpson stated interesting.

Mr. Funk stated I haven't read this in detail. But how many vacant lots would you say there are now in Salina?

Mr. Andrew stated we had one time in 2004 where it was kind of at a critical stage, and that kind of explains the counts for 2005, we were at a point in 2004 where really all the vacant lots that were available that had services were either in RiverRun or Cedar Ridge at the south end of Marymount Road or across the street in Mariposa. There wasn't a geographic or large price range of lots available and that's when you saw Woodland Hills Estates No. 2 come in which is there at Greystone north of Presbyterian Manor and then that subdivision on the north side of Schilling Road west of Ohio came in and you've seen how fast that has developed and Golden Eagle Estates on the other side of Huntington Road has filled in and then you've seen the activity up at Markley and Magnolia Road and even the area there south of Jerry Ivey Park which is where the Piercy Addition is,

kind in front of the Trinity Methodist Church. Generally if we have a supply of 150 to 200 vacant but buildable lots we're in good balance. Two hundred seems to be the amount and if you have that number there is not a big surplus with unpaid specials and there's also choices for people both location wise and price range wise. So 200 lots seems to be the number, if we have that available nobody feels too constrained and nobody feels like they can't sell their lots either.

Mr. Funk asked the City isn't holding the bag on the specials in most of these subdivisions that aren't completed is it?

Mr. Andrew stated I'd say for the most part we are. And that's why we monitor this and keep that in mind is that Golden Eagle Estates, Quail Meadow Estates, not in Highland Meadows Hamlet, but Magnolia Hills Estates and Piercy Addition, those were all done with special assessments where the City sells bonds and pays for the construction costs and the costs are recovered back and assessed to the lots. So I hadn't broken that down here but I'd say that the majority of those 378 lots have special assessments. You have to realize though that if you look at Quail Meadows Estates they're developing that in phases so they're developing 40 lots at a time not the full 135. That's how many lots exist. That's not how many buildable lots exist.

Mr. Simpson stated alright, very interesting.

Item #4. Other matters.

Mr. Simpson stated I don't know Dean if you were notified but Brian Weisel has resigned. I got an email from him.

Mr. Andrew stated I knew that he was having difficulties with his work schedule making it to meetings.

Mr. Simpson stated yes he's now self-employed doing consulting work and does not have the time to commit to the Planning Commission. We'll miss him and we're sorry he has to resign.

Mr. Andrew stated I will get that information to the City Clerk and they'll look at expression of interest forms and see if there are others who might be interested in serving on the Commission.

Mr. Simpson asked any other matters to come before the Commission?

Mr. Andrew stated we will meet on the 6th of March. We have a couple of items, this item carried over, we have an application filed to rezone I believe it's the northeast corner of Claflin and 9th Street. It's the former Sinclair Station for an auto sales lot. And then we have a couple of text amendments to consider. The other item we have is kind of interesting that in the City of Des Moines, Iowa, the City Council adopted a 60 day moratorium on digital signs and billboards while they wanted to study the matter and look at safety, land use and the aesthetic implications of digital billboard advertising. This other item is rather extreme and I don't think Patrick will like this one too well, but the report indicated that the City of Minnetonka, MN had cut the power to two digital billboards because they had safety concerns about the location and the flashing on the billboard and they didn't feel like it was being adequately addressed so they pulled the plug so to speak. What we hope to do and what we were trying to do with our study session and all was to try and get out ahead of it and not have to get in the situation of where we don't know what to do and put a moratorium on. We think that we're in a position where the Commission's at least informed of the issues and you got to see a lot of things first hand. In the case of Des Moines, I think some City Council people saw a billboard go up

for the first time, didn't know anything about it, were surprised by it, surprised that it was allowed and they thought it needed to be looked at before anything happened again. We're going to keep working on that, we're going to keep gathering information about how the traffic safety, the distraction and the brightness issues have been addressed and come back to you. But we think the moratorium or the pulling of electricity is a pretty drastic action so we're going to keep working on it from a pro-active standpoint.

Mr. Simpson stated very good. That's good news right? Yeah, ok. Any other items? If not, we're adjourned.

Mr. Andrew stated that is all we have this afternoon.

Meeting adjourned at 4:38 p.m.

Dean Andrew, Secretary

ATTEST: _____